TUCSON CODE, CHAPTER 23, LAND USE CODE

* * *

ARTICLE II. ZONES

* * *

DIVISION 8. OVERLAY ZONES

* * *

2.8.11 "N" NEIGHBORHOOD OVERLAY ZONE (NOZ).

2.8.11.1 Purpose. This overlay zone recognizes that the continued stability and viability of neighborhoods may be severely threatened by inappropriate development and provides a means to preserve neighborhoods by establishing design criteria for new development within the neighborhood. These criteria ensure that new development will be compatible in architecture, scale and use with the existing residences, businesses, offices and other uses, and that new development does not produce adverse impacts on the surrounding neighborhood. This will help ensure that new development does not contribute to the deterioration of the living environment, the decline of property values, or the diminishment of the health, safety, and general welfare conditions of the adjacent area. It is also intended that new or remodeled structures shall be designed and constructed to harmonize with structures located within the immediate vicinity.

2.8.11.2 Applicability. The Neighborhood Overlay Zone (NOZ) Zone is an overlay zone superimposed over the development regulations of the underlying zoning. The NOZ does not effect the uses established by the underlying zoning. The NOZ zone applies to specifically mapped areas established in accordance with this section where a neighborhood has a unifying character which should be preserved or is threatened with inappropriate development. The NOZ applies to all new structures, additions, and detached accessory that require a building permit.

2.8.11.3 Establishment of, or Amendment to, Neighborhood Overlay Zone District. A Neighborhood Overlay Zone is established by the approval of a mapped geographic area through a Zoning Examiner Legislative Procedure, Sec. 5.4.1 and Sec. 5.4.3.

A. A NOZ may be initiated by a private applicant or by the Mayor and Council.

B. A NOZ shall be in conformance with the General Plan and applicable specific plans, including area and neighborhood plans.

C. A NOZ shall identify the geographic area to be subject to the NOZ. The area of a NOZ shall include contiguous properties.

D. A NOZ shall identify the definable characteristics of the proposed neighborhood area that are to be preserved. In determining if an area is to be designated as a neighborhood, the following criteria shall be examined.

1. A neighborhood shall include a group of related sites, buildings, and structures which contribute to the character of the neighborhood within generally recognized boundaries.

2. The group of structures, buildings, or sites should provide the neighborhood with a definable architectural or design character that merits preservation.

3. There should be a sufficient number of structures of related or similar characteristics to make the neighborhood a recognizable entity.

4. Neighborhoods may be naturally delineated by washes, natural areas, or other environmental features.

5. The extent to which the stability and viability of the neighborhood is threatened by inappropriate and incompatible development.

6. Other factors that contribute to identifying cohesive neighborhoods such as but not limited to parks and community facilities.

E. A NOZ shall specify the development criteria and regulations that apply within the NOZ in accordance with Sec. 2.8.11.8 and 2.8.11.9.

F. An application to establish or amend a NOZ shall address the criteria in this Sec. 2.8.11.3 and applicable Development Standards. The name, character and boundaries of the area subject to the NOZ, i.e. the "neighborhood", and the development criteria and regulations that apply within the NOZ shall be set forth in the ordinance adopting the NOZ.

2.8.11.4 Districts Established. The following NOZ districts are established. The list shall be administratively updated, upon adoption of additional NOZ districts through the appropriate procedure.

A. "NOZ-1" – XXXXX. Adopted on XXX, by Ordinance No. XXX

2.8.11.5 Zoning Maps. To identify each of the NOZ districts on the City of Tucson Zoning Maps, the preface "N" is added to the assigned residential, office, commercial, or industrial zone designation, i.e., R-1 becomes NR-1.

2.8.11.6 Permitted Uses. The land uses permitted within the NOZ zone are those uses permitted by the underlying zoning.

2.8.11.7 Development Review Required. Review and approval are required for all new enclosed structures within the NOZ that require a building permit. All reviews are based on development criteria as established in each NOZ per Sec. 2.8.11.8. Each NOZ may establish specific public notice and comment requirements for development proposals in addition to those required by the LUC. A NOZ shall identify the procedures for development review in accordance with Sec. 2.8.11.9.

2.8.11.8 Development Criteria. Each NOZ shall establish the development criteria that shall apply within the NOZ to provide for new development that is compatible with the neighborhood character and to implement the purpose of this section.

A. Specific development criteria shall be established which may supercede or supplement those established in the underlying zones. Specific development criteria may be established for Building Heights and Perimeter Yards specified in Residential Development Designator, Sec. 3.2.3.1, Accessory Structures, Sec. 3.2.5.2 and 3.2.5.3, Perimeter Yards, Sec. 3.2.6, Structure Height Measurement, Sec. 3.2.7, Access Provisions, Sec. 3.2.8, Lot Coverage, Sec. 3.2.9, Streets, Sec. 3.2.13, Lots, Sec. 3.2.14, Motor Vehicle and Bicycle Parking Requirements, Division 3, and Landscaping and Screening Requirements, Division 7. The specific development criteria for a NOZ may be supplemented with development standards to apply within the NOZ.

B. A NOZ may establish architectural and design standards for new development that are compatible with the character of the neighborhood.

C. The development criteria for each NOZ shall be maintained and available at the Development Services Department.

2.8.11.9 Development Review Procedures. A NOZ shall identify the procedure in Article II, Development Compliance Code, which is to be used for approval for conformance to the NOZ Design Criteria. The procedure may be by one or more of the following: staff Zoning Compliance Review in accordance with 23A-31, a Limited Notice Procedure, Sec. 23A-40 or a Full Notice Procedure, 23A-50 with DSD approval, Sec. 23A-51, Board of Adjustment approval, Sec. 23A-52 or Zoning Examiner approval, Sec. 23A-53. If a NOZ includes architectural or design criteria, it may provide for review in accordance with Sec. 23A-32, Administrative Design Review Procedure. The NOZ Design Criteria shall be subject to a variance in accordance with 23A-52.

* * *